

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:  
JOSEPH KUECHLE  
BRITTANY A KUECHLE  
Debtor.

In Proceedings  
Under Chapter 13

Bk. Case No.: 21-30554

RUSSELL C. SIMON,  
CHAPTER 13 TRUSTEE,  
Objector.

FIRST GUARANTY  
MORTGAGE CORPORATION  
COURT CLAIM NO. 20  
Creditor/Respondent.

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**TRUSTEE’S OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGE**  
**FILED BY FIRST GUARANTY MORTGAGE CORPORATION**

COMES NOW, RUSSELL C. SIMON, Chapter 13 Trustee, and files his Objection to FIRST GUARANTY MORTGAGE CORPORATION’s Notice of Mortgage Payment Change, filed on August 22, 2022, as supplement to Court Claim No. 20. In support thereof, the Trustee states as follows:

1. The instant case was filed on August 13, 2021.
2. On September 30, 2021, First Guaranty Mortgage Corporation (“Creditor”) filed Court Claim No. 20, asserting a claim secured in the amount of \$75,117.46, including an arrearage amount of \$16,785.52.
3. Part 3 of the Proof of Claim Attachment 410A (“Attachment”) claimed total prepetition arrearages of \$16,785.52, including an escrow deficiency for funds advanced of \$6,110.63 and a projected escrow shortage of \$725.99.

4. Pursuant to the Attachment, by including the escrow deficiency and projected escrow shortage in the prepetition arrearage claim, Creditor reduced the ongoing escrow deficiency from \$6,836.62 to \$0.00 as of the date of filing.
5. On August 22, 2022, a Notice of Mortgage Payment Change was filed in the instant case. Said Notice filed due to an escrow account payment adjustment.
6. Pursuant to the escrow statement attached to the Notice of Mortgage Payment Change, it appears the Creditor may have reinstated the escrow deficiency in the amount of \$6,750.61, as the escrow balance comparison does not reduce the escrow balance to zero at the bankruptcy date of filing. This is improper as it would allow Creditor to collect twice on the escrow deficiency, once through payment of the prepetition arrearage portion of the Proof of Claim, and again through the change in the ongoing mortgage payment.
7. Based upon the foregoing, the Trustee objects to the Notice of Mortgage Payment change filed August 22, 2022, until such time the Respondent amends said Notice to reflect a beginning escrow deficiency of \$0.00.

Wherefore, the Trustee prays for an Order denying the Notice of Mortgage Payment Change filed on August 22, 2022, and for all other relief this Court deems just and equitable.

Dated: September 9, 2022

**/s/ RUSSELL C. SIMON**  
RUSSELL C. SIMON, Trustee  
Chapter 13 Trustee  
24 Bronze Pointe  
Swansea, Illinois 62226  
Telephone: (618) 277-0086  
Telecopier: (618) 234-0124

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing **Objection to the Notice of Mortgage Payment Change, filed on August 22, 2022** has been mailed to the following interested parties who have not been electronically notified on this day Friday, September 9, 2022, with the correct postage prepaid and deposited in the U.S. Mail.

/s/Stephanie

Joseph D Kuechle  
Brittany A Kuechle  
106 W Country Ln  
Collinsville, IL 62234

.MICHAEL J BENSON  
815 LINCOLN HIGHWAY STE 107  
FAIRVIEW HEIGHTS, IL 62208

FIRST GUARANTY MORTGAGE CORP  
C/O RUSHMORE LOAN MANAGEMENT SERVICES  
P. O. BOX 52708  
IRVINE, CA 92619

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